

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

**FILED**

**FEB 4 - 2010**

CLERK, U.S. DISTRICT COURT  
DISTRICT OF COLUMBIA

\_\_\_\_\_  
ALEXION PHARMACEUTICALS, INC.,

Plaintiff,

v.

HON. DAVID J. KAPPOS,  
Under Secretary of Commerce for Intellectual  
Property and Director of the United States  
Patent and Trademark Office

Defendant.  
\_\_\_\_\_

Civil Action No. 08-2225 (RWR)

**PROPOSED ORDER**

Upon consideration of the parties' Joint Motion to Lift Stay and Remand, and the record herein, it is hereby **ORDERED** that the joint motion be **GRANTED**.

It is further **ORDERED** that the stay issued in this case is lifted; and

It is further **ORDERED** that the Plaintiff's existing patent-term calculation is hereby **VACATED**; and

It is further **ORDERED** that the matter is **REMANDED** to the U.S. Patent and Trademark Office for recalculation and adjustment of the disputed patent term in accordance with the decision of the United States Court of Appeals for the Federal Circuit in *Wyeth & Elan Pharma Int'l Ltd. v. Kappos*, \_\_ F.3d \_\_, 2010 WL 27184 (Fed. Cir. Jan. 7, 2010).

SO ORDERED this 3<sup>rd</sup> day of February, 2010.

A handwritten signature in black ink, appearing to read "R. Roberts", written over a horizontal line.

Hon. Richard W. Roberts  
United States District Judge